

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION No. 14114 of 2004

Between:

G. Sulochana, W/o. Siddi Ramulu,
R/o. Anthampally, Bhiknoor Mandal, Nizamabad District.

..... PETITIONER

AND

- 1 The District Collector, Nizamabad, Nizamabad District.
- 2 The Mandal Revenue Officer, Bhiknoor Mandal, Bhiknoor,
Nizamabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Certiorari calling for the records in No. E1/302/99 dt. 19-5-2004 from the 1st respondent and No. A2/3710/95 dt. 1-10-2003 from the 2nd Respondent and quash the same as illegal, arbitrary and against the principles of natural justice.

Counsel for the Petitioner : Mr. Ch..JANARDHAN REDDY

Counsel for Respondents : G.P. FOR REVENUE

The Court made the following :

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ORDER:

Heard Sri Ch. Janardhan Reddy, learned counsel appearing for the petitioner and the learned Government Pleader for Revenue.

The petitioner who claims to be an allottee in respect of land to an extent of Ac.0.30 guntas in Survey No.169/3 in Anthampally village by the 2nd respondent on 24-06-2000, filed this writ petition, *inter alia*, seeking to assail the impugned order dated 01-10-2003, passed by the 2nd respondent herein, wherein the petitioner is called upon to pay certain amounts.

The case of the petitioner is that having regard to the value already fixed and the same having been paid by her under Challan No.1437 on 24-06-2000, the question of enhancing or fixing the value through the impugned proceedings does not arise and that she cannot be compelled to pay the same. It is stated that fixation of market rate without any notice or opportunity to the petitioner is illegal. In view of the same, the entire proceedings are in the teeth of principles of natural justice.

The learned Government Pleader appearing on behalf of the respondents sought to sustain the impugned orders on the ground that the said fixation was done only after proper assessment and that the demand has been rightly made by the 2nd respondent.

Having considered the submissions made on either side and on perusal of the material, it can be seen that the impugned action on the part of the first respondent was in pursuance of the orders of fixation by the Joint Collector, Nizamabad. Before any such variation or assessment sought to be done for fixing the market value, the petitioner should have been given an opportunity and enquiry should have been done in her presence. Since, in this case no such exercise has been done, the impugned orders passed by the respondents are void and the same are liable to be set aside.

Having regard to the facts and circumstances of the case, the Writ Petition is accordingly allowed and the impugned orders are set aside. However, it shall be

open to the respondents to make fresh assessment of the market value by giving due notice and opportunity to the petitioner. No costs.

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on the second day of August, Two Thousand and Four.

REGISTRAR

Note:

Issue C.C. in one week.

(B/o)

DA/KVR

To

- 1 The District Collector, Nizamabad, Nizamabad District.
- 2 The Mandal Revenue Officer, Bhiknoor Mandal, Bhiknoor, Nizamabad District.
- 3 Two CCs to the G.P.for Revenue, High Court, Hyderabad.
- 4 Two CD copies.